



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-FIFTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-Fifth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7550] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7550] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
WINKLER IRA, RUDOLF	10000 ROSSBURY PL LOS ANGELES CA 90064-4826	10725-02278	651,800.22	325,900.11
WISCH, CRAIG	210 ANDREW AVE NAUGATUCK CT 06770	10725-02180	317,369.28	158,684.64
WORLD LINKS GROUP LLC	c/o Leo G Mantas 7440 S BLACKHAWK ST. #12208 ENGLEWOOD CO 80112	10725-02309	396,000.00	198,000.00
YODER DEFINED BENEFIT PLAN, ROBERT J	ROBERT J YODER TRUSTEE 12291 PROSSER DAM RD TRUCKEE CA 96161	10725-02083	177,487.64	88,743.82
YOUNG, JUDY S	13825 VIRGINIA FOOTHILLS DR RENO NV 89521-7394	10725-02324	203,105.54	101,552.77
ZAPPULLA, JOSEPH G & CAROL A	3128 E. BLUE SAGE COURT GILBERT, AZ 85297	10725-02040	1,409,625.48	704,812.74
ZAWACKI A CALIFORNIA LLC	PO BOX 5156 BEAR VALLEY CA 95223-5156	10725-02299	3,000,000.00	1,500,000.00
ZERBO, ANTHONY J	780 SARATOGA AVE APT S-107 SAN JOSE CA 95129	10725-01952	1,757,710.50	878,855.25
ZERBO, MARSHALL R	250 W EL CAMINO REAL APT 5100 SUNNYVALE CA 94087	10725-02028	301,259.30	150,629.65
CANGELOSI, DONNA & ARNER, BRANDON	5860 LAUSANNE DR RENO NV 89511	10725-01717-2	203,887.68	101,943.84